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EXTRAORDINARY

PART II—Section 3—Sub-section (i)

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MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATIONS

CUSTOMS.

New Delhi, the 23rd January, 1963.

G.S.R. 155.—In exercise of the powers conferred by sub-section (3) of section 1 of the Customs Act, 1962, (52 of 1962), the Central Government hereby appoints the First day of February, 1963, as the date on which the said Act shall come into force.

[No. 16.]

G.S.R. 156.—In exercise of the powers conferred by section 156 of the Customs Act, 1962, (52 of 1962), the Central Government hereby make the following rules, namely:—

1. These rules may be call the Customs/Valuation Rules, 1963.

2. The value of any imported goods shall, for the purposes of clause (b) of sub-section (1) of section 14 of the said Act, be determined by the proper officer in accordance with the provisions contained in rules 3 to 7.

3. (a) The value of the imported goods may be based on the value at which such goods, or comparable goods produced or manufactured by the person who has produced or manufactured the goods to be assessed, are ordinarily sold or offered for sale to other buyers in India under competitive conditions;

(b) if the value cannot be determined under clause (a), it may be based on the export price at which such goods or comparable goods produced or manufactured by the person who has produced or manufactured the goods to be assessed are ordinarily sold or offered for sale under competitive conditions to buyers in countries outside India;

(c) if the value cannot be determined under clause (a) or clause (b), it may be based on the value at which comparable goods, produced or manufactured by other persons in the country in which the goods to be assessed have been produced or manufactured, are ordinarily sold or offered for sale to other buyers in India under competitive conditions;

(d) if the value cannot be determined under any of the foregoing clauses, it may be based on the price at which such goods or comparable goods produced or manufactured by the person who has produced or manufactured the goods to be assessed are ordinarily sold or offered for sale under competitive conditions to buyers in the country of origin.

Explanation.—In this Rule, sale under competitive conditions means a sale in the ordinary course of trade between a seller and a buyer who have no interest in the business of each other and where price is the sole consideration.

(iii) difference in composition, quality, design, size, type of packing, stage of manufacture, and other characteristics, between the goods to be assessed and the goods with which they are being compared; and

(iv) in cases to which clause (d) of rule 3 applies, the amount of internal tax levied in the country of origin from which the goods when exported are exempt or are relieved by means of refund.

5. (a) Where any goods are imported by or through a sole agent, distributor or indenter appointed for the whole of India or any region thereof, the expenses ordinarily incurred by him in that capacity together with the expenses ordinarily incurred by his regional agents, distributors or indentors, if any, in that capacity shall be included while determining the value of the imported goods.

(b) Whereas any goods imported by a branch or subsidiary of the exporter, the provisions of sub-rule (a) shall apply as if the importation had been made by a sole agent.

Explanation.—In this rule, 'subsidiary' has the same meaning as in section 4 of the Companies Act, 1956.

6. Where any finished or semi-finished goods manufactured outside India by a person entitled to use at trade-mark are after importation sold in India under that or an allied trade-mark, including in the case of semi-finished goods sale after further manufacture or other operations in India, or where any goods manufactured outside India in accordance with any patented invention or registered design are imported in India, any fee ordinarily payable by a person for such trade-mark, patent or design shall be included while determining the value of the goods.

7. Where any goods are imported for being sold on behalf of the exporters, the value of such goods may be based on the market-price of such goods at the time and place of importation, reasonable deduction being allowed by the proper officer for the expenses ordinarily incurred by the importers in respect of such goods and the commission ordinarily payable to the importers.

[No. 17.]

G.S.R. 157.—In exercise of the powers conferred by section 156 of the Customs Act, 1962, (52 of 1962), the Central Government hereby makes the following rules, namely:—

1. These rules may be called the Accessories (Condition) Rules, 1963.

2. Accessories of, and spare parts and maintenance or repairing implements for, any article, when imported along with that article, shall be chargeable at the same rate of duty as that article, if the proper officer is satisfied that in the ordinary course of trade—

(i) such accessories, parts and implements are compulsorily supplied along with that article; and

(ii) no separate charge is made for such supply, their price being included in the price of the article.

[No. 18.]

G.S.R. 158.—In exercise of the powers conferred by clause (c) of sub-section (2) of section 79 of the Customs Act, 1962, (65 of 1962), the Central Government hereby make the following rules, namely:—

1. These rules may be called the Baggage (Conditions of Exemption) Rules, 1963.

2. Where any goods in the baggage of a passenger or a member of the crew are exempted under section 79 of the said Act from payment of import duty leviable thereon, the exemption shall be subject to the condition that such goods shall not be sold, or kept, displayed, advertised or offered for sale, or displayed in a shop, until (a) in the case of arms and wireless reception instruments, the goods have been used for not less than three years after importation by such passenger or member of the crew, or (b) in the case of other goods their market-price has depreciated to less than fifty per cent. of their market-price when new.

[No. 19.]

D. P. ANAND, Jt. Secy.